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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
 ANDREW B. PLATT and RUTH ANN PLATT,  
 Debtors.

ANDREW B. PLATT,  
 Appellant,  
 v.  
 WOODS & ERICKSON LLP,  
 Appellee.

BAP No.: NV-21-1198

Case No.: 2:19-bk-17282-abl  
 Adv. No.: 2:19-bk-01125-abl

Chapter 7

**MOTION TO STRIKE ITEM FROM**  
**APPELLANT'S DESIGNATION OF**  
**RECORD ON APPEAL FROM**  
**BANKRUPTCY COURT**

Appellee, Woods & Erickson LLP, ("Appellee" or "Firm"), by and through its attorneys, Gerrard Cox Larsen, submits its Motion to Strike Item from Appellant's Designation of Record on Appeal from Bankruptcy Court, pursuant to Federal Rule of Bankruptcy Procedure 8009(e)(1).

**MEMORANDUM OF POINTS AND AUTHORITIES**

Appellant's Designation of Record on Appeal from Bankruptcy Court was filed on September 21, 2021 at [Doc 126]. Therein, Appellant identified various items for inclusion in the Record on Appeal, including under category "C. Trial Exhibits", item number 29, that appears to correspond with Plaintiff's proposed trial exhibit 5, which Appellant has described as "October 2016 emails re: payments from Fani." (Appellant's Designation of Record on Appeal from Bankruptcy Court [Doc. 126], at page 2.).

1 Federal Rule of Bankruptcy Procedure 8009, provides, in relevant part, as follows:

2 (e) Correcting or Modifying the Record.

3 (1) Submitting to the Bankruptcy Court. . . . If an  
4 item has been improperly designated as part of the  
5 record on appeal, a party may move to strike that item.

6 Appellee has attached hereto, true and correct copies of the Trial Exhibit Logs maintained  
7 by the Court during the trial of this matter, including Plaintiff's Trial Exhibit Log as **Exhibit "1"**,  
8 and Defendant's Trial Exhibit Log as **Exhibit "2"**. See, Declaration of Gary C. Milne, Esq.  
9 attached as **Exhibit "3"**.

10 A review of the Plaintiff's Trial Exhibit Log (Exhibit "1"), reveals that Plaintiff's proposed  
11 trial Exhibit 5, identified as a 10/14/16 email from Andrew Platt to Glen Woods (WEW012124)  
12 (092), was not admitted during the course of trial. Accordingly, it should not be part of the record  
13 on appeal and Appellant's designation of Plaintiff's proposed trial Exhibit 5 (item 29) should be  
14 stricken from the designation of record on appeal, that Appellant filed on September 21, 2021 [Doc.  
15 126].

16 DATED this 7<sup>th</sup> day of October, 2021.

**GERRARD COX LARSEN**

17 /s/ Douglas D. Gerrard, Esq.  
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19 Nevada Bar No. 4613  
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24 Attorneys for Appellee, Woods & Erickson,  
25 LLP  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of GERRARD COX LARSEN, and that on the 7<sup>th</sup> day of October, 2021, I served a copy of **MOTION TO STRIKE ITEM FROM APPELLANT'S DESIGNATION OF RECORD ON APPEAL FROM BANKRUPTCY COURT**, as follows:


a. **Electronically Mailed by ECF System:**

DOUGLAS D. GERRARD on behalf of Plaintiff WOODS & ERICKSON, LLP  
[Dgerrard@gerrard-cox.com](mailto:Dgerrard@gerrard-cox.com); [kjohnson@gerrard-cox.com](mailto:kjohnson@gerrard-cox.com); [emedellin@gerrard-cox.com](mailto:emedellin@gerrard-cox.com),  
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MATTHEW L. JOHNSON on behalf of Defendant ANDREW B. PLATT  
[annabelle@mjohnsonlaw.com](mailto:annabelle@mjohnsonlaw.com), [johnson@mjohnsonlaw.com](mailto:johnson@mjohnsonlaw.com); [kelcie@mjohnsonlaw.com](mailto:kelcie@mjohnsonlaw.com)

b. **USPS First Class Mail served to:**

ANDREW B PLATT  
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Kanani Gonzales, an employee of  
GERRARD COX & LARSEN